



Stanly County Board of Adjustment
October 13, 2020 - Meeting Minutes

Call to Order Chair Cindy Fish called the meeting to order on October 13, 2020 at 6:30 p.m. in the Stanly County Commons meeting room at 1000 N. First Street, Albemarle, North Carolina. Bob Remsburg served as Clerk of the meeting.

Chair Fish stated before we begin our meeting, we need to swear in our newest Board members, Shannon Maynard and Tim Fesperman. Chair Fish invited the clerk to conduct the swearing in ceremony.

The Clerk invited Shannon and Tim to step down and be sworn in.

Chair Fish then invited Mr. Remsburg to call the roll.

Stanly County Board of Adjustment Members attending Cindy Fish, Michael Efird, Shannon Maynard, Tim Fesperman, Billy Franklin Lee, David Dulin, Brenda Farmer, Richard Cosgrove

Absent : Devron Furr

In the absence of Devron Furr, Shannon Maynard was selected to serve on the Board for this meeting.

Stanly County Planning Staff Attending Bob Remsburg, Planning Director; Bailey Emrich, Planner I

Others Present: Kodi Smith and Robert Patterson

Cindy Fish stated “our rules and procedure calls for the Board of Adjustment to select a chair and vice chair in the first meeting following the appointment of new members by the Board of Commissioners. According to our Rules of Procedure, the Chair cannot be an alternate member of the Board, so Mr. Maynard and Mr. Fesperman are not eligible”.

Motion: David Dulin nominated Cindy Fish to serve as chair for another term

Second: Michael Efird

Action: The Board unanimously approved



Motion: Michael Efird nominated Devron Furr to serve as vice-chair for another term

Second: Brenda Farmer

Motion: The Board unanimously approved

Cindy Fish announced that “the next action is for me, as the new chair to name a Clerk. While it can be any member of the Board, the tradition is for a staff member to serve as Clerk. Therefore, I will appoint Bob Remsburg to serve as Clerk for the Stanly County Board of Adjustment to serve until a new Chair is elected”.

The Chair invited the Board to review the minutes from the previous meeting which was held on March 16, 2020.

Motion: Richard Cosgrove made a motion to approve the March 16, 2020 minutes as written

Second: David Dulin

Motion: The board unanimously approved the motion

Chair Fish announced the purpose of this meeting was to consider case SUP 20-01 a request by Kodi Smith for a Special Use Permit to operate a dog kennel at 12378 Rosehill Drive, Norwood which is zoned, RA - Residential Agricultural. The hearing on this matter is quasi judicial hearing and it will be conducted in accordance with special due process safeguards.

Chair Fish outlined the statutory requirements that restrict the board to base its decisions only on testimony given under oath. Any person who swears falsely is guilty of a class 1 misdemeanor.

Chair Fish asked those testifying to come forward to be sworn in. Kodi Smith, Robert Patterson, Bob Remsburg were sworn in to be able to testify before the board..

Chair Fish asked if any of the board members had any possible conflicts and needed to withdraw from the case.

Richard Cosgrove indicated that he used to teach with Robert Patterson, they were colleagues. Mr. Remsburg explained that if there were no financial ties to the situation at hand or close relationship then he could still participate.



Chair Fish asked if he could rule fairly and impartially.

Richard Cosgrove concluded that he could rule fairly.

Chair Fish opened the hearing and indicated that the order of business would be that first, we will hear from the Planning Department staff, then we will hear from the applicant and their witnesses and lastly we will hear from the opponents to the request.

Chair Fish asked the Clerk to present the case, SUP 20-01.

Bob Remsburg shared the following:

Kodi Smith Requests the use of a special use permit to allow for the use of a dog kennel located at 12378 Rosehill Drive Norwood, NC 28128. This parcel used to operate as a daycare facility and is located in the County, RA (residential agricultural) zoning district. Other properties surrounding this one are zoned various ways including residential and industrial. Section 601.2 of the zoning ordinance requires that in order for Ms. Smith to obtain a Special Use Permit, she must meet the following guidelines to operate commercial kennels or facilities for raising dogs and cats provided that:

- (a) the facilities shall be maintained in a neat and sanitary condition
- (b) open kennels shall be located no closer than 50 feet to an adjoining property line.

Mr. Smith provided the following additional information:

- Dog boarding (overnight services) will be done indoors
- Dogs will have supervised play time in fenced in outdoor areas during the day
- 10:1 Dog to staffing ratio will be implemented to keep dog boarding standards
- License to operate dog kennel/ boarding will be obtained by NC Veterinary Division
- Animal Welfare Act and Regulations will be abided by property and management
- All dogs will be required to provide vaccine records to provide safety for staff and dogs
 - Rabies vaccine will be required for all dogs over 4 months of age
- Cleaning times will be scheduled for facility minimum 2x per day with documentation
 - Cleaning products will be dog friendly and adhere to local health dept. Guidelines
- Planning to operate 7 days a week unless there is severe weather or holiday exceptions
- Planned number of dogs on site is 15 (can vary due to square footage of actual dog kennels & whether it is only day care services or boarding as well)
- All dogs will be provided food and water
- Large dogs & small dogs will be kept separate unless they live in the same household and at owners request



Mr. Remsburg stated that in order for the Special Use Permit to be granted the four standards must be met for approval which are

Standard #1 - That the project will not materially endanger public health or safety; if located where proposed, and if developed and operated according to the plan submitted;

Standard #2 – That the project will not substantially injure the value of adjoining property.

Standard #3 – That the project will be in harmony with or compatible with its neighbors and is generally consistent with the latest Stanly County Land-Use Plan.

Standard #4 – That the project meets all other required conditions and specifications.

Chair Fish asked if there were any questions for Mr. Remsburg

David Dulin asked if it was going to be a daycare as well as a dog kennel

Mr. Remsburg stated that it would strictly be a dog kennel

Brenda Farmer asked if that was a home that sat beside the property

Mr. Remsburg confirmed that it was a home.

Chair Fish invited Kodi Smith to speak in favor of her request.

Ms. Smith stated that this will no longer be a daycare. We only have one dog kennel around that can hold 15 dogs and that is what we want to do with this facility. The neighbors next door had no issue with this proposal. My vision is that it already has fire safety and we will go through the licensing process. The veterinary board will come and inspect our sanitation and safety of dogs and staff. Training for staff will be provided along with temperament testing for dogs. It will be a 10:1 ratio of dogs to staff. Overnight boarding will all be indoors. I have also looked at other similar establishments and have public health experience as well.

Chair Fish asked if there were any questions for Ms. Smith

Brenda Farmer asked if she would be living there

Ms. Smith stated: “No, I will have management there at all times even during the night. We are going to utilize a camera system as well.”

Brenda Farmer asked if it was on septic

Ms. Smith stated: “It does have a regular septic. Through animal welfare we have to identify it as industrial waste water so someone will come out and inspect our septic for protocol.”



Richard Cosgrove asked what do you fo for your solid waste?

Ms. Smith stated it will be contained in an approved container and disposed correctly to follow guidelines.

Richard Cosgrove asked, is there an easement for neighbors to access their property?

Robert Patterson stated that there seems to be an easement but we do not have an updated survey.

Ms. Smith stated that the back area is more of an out buildingand it is not fenced in.

Shannon Maynard asked what about parking?

Ms. Smith stated it would be similar to what it is now. There will be designated spots for workers along with handicap spots. Owners are not anticipated to stay long since they will just be dropping off the animals, not staying.

David Dulin asked about what fencing would be installed

Ms. Smith stated that there are already two existing fences there, which they plan to keep in place.

Michael Efird asked if there was a barking ordinance to go by.

Bob Rmesburg stated that there is a nuisance ordinance but that is enforced by the Sheriff's office, not zoning.

Brenda Farmer asked if there were any developments around this parcel

Ms. Smith stated that there was only adjoining neighbors and a train which would be the main source of noise.

Ms. Smith stated we want to keep everything extremely clean and keep it above standards. We plan to operate seven days a week 7:30 am -6:00 pm. The boarding will be after 6:00 pm. I visited multiple places in Charlotte to see how they operated. A lot of people want to come and enjoy this area and the lakes but they cannot leave their animals at home outside of the county and they cannot bring them here because there are not enough places to accommodate them.

David Dulin asked what kind of problems did the other places have?

Ms. Smith stated that other places were not screening the dogs properly. Which comes with who you employ and how they welcome the dog. But we would want to perish those problems and make sure the dogs had proper screenings and the employees knew how to handle them.



Shannon Maynoard asked if she had an animal welfare specialist

Ms. Smith stated that she had been through the application but right now everything is based on the zoning regulations and this special use permit. Once we get past this, it will be easier to focus on the rest.

Richard Cosgrove asked if they had a name picked out

Ms. Smith stated that they were thinking that the name will be Aw Paws, something catchy and relates to the animals as well as her husband's business.

Robert Patterson stated he owns My Lake Home Realty and has known Kodi as a student to now. Landon, her husband does quality work and they are great people. The owner of the daycare contacted me about finding someone because enrollment was now low and people on the lake talk about how this is a need. It would bring more people here. I spoke with Chase Melton and Kenneth Pope, the closest neighbors and they both had no problem with this. Norwood needs this.

Chair Fish asked if the board members had any further questions.

David Dulin asked if the zoning sign was posted for this meeting.

Bob Remsburg stated that it was posted on the property.

Chair Fish closed the hearing

Chair Fish asked the board to review the four standards required for approving the Special Use Permit.

Standard #1: That the project will not materially endanger public health or safety; if located where proposed, and if developed and operated according to the plan submitted

Motion: Richard Cosgrove made the motion to accept standard 1 as true

Second: Shannon Maynard

This finding was approved 7-0

Standard #2: That the project will not substantially injure the value of adjoining property.

Motion: Michael Efird made a motion to accept standard 2 as true

Second: David Dulin

This finding was approved 7-0

Standard #3: That the project will be in harmony with or compatible with its neighbors and is generally consistent with the latest Stanly County Land-Use Plan.

Motion: Shannon Maynard made a motion to accept standard 3 as true



Second: David Dulin

This finding was approved 7-0

Standard #4: That the project meets all other required conditions and specifications.

Motion: Billy Franklin Lee made a motion to accept standard 4 as true

Second: David Dulin

This finding was approved 7-0

Chair Fish stated the Special Use Permit was approved

Chair Fish stated those affected by this decision have thirty days to appeal this to the Stanly County Superior Court.

Chair Fish stated that if there is no further business for the Board, I will entertain a motion to adjourn this meeting.

Motion: Michael Efird

Second: David Dulin

The motion was approved 7-0

Meeting adjourned: 7:16 pm

Chair, Cindy Fish

Clerk, Bob Remsburg